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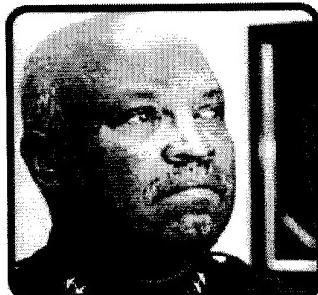
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The hardest time

After a decade in lockup, J.J. Tennison still maintains his innocence – and his lawyer is still fighting for him.

By A. Clay Thompson



"I worked over 500 murder cases. I've talked to a lot of killers in my day, and if I had any indication that he was innocent, I would've let him go." Prentice "Earl" Sanders



"How many times does this happen in the criminal justice system? We have a person who's come forward and confessed to the crime." Eric Multhaup



"I will never, ever give up. I don't care what it takes. I could be 80 years old. I'll never give up." Jeff Adachi

"Each step ain't getting no easier. It's basically the same routine. First thang when I wake: damn I'm still here. I put it in my mind how I'm gonna deal with this day without interrupting anybody's

program, keep anybody from interrupting my program." J.J. Tennison



"It's hard knowing my child may not be coming home soon, but he's gon' come home." Dolly Tennison



"It's been 10 years outta my life, too, 10 years outta my momma's life. Gone. Can never get back."
Bruce Tennison

HERE ARE THE few undisputed facts in the slaying of Roderick "Cooley" Shannon: in the quiet early-morning hours of Aug. 19, 1989, Shannon piloted his mother's green sedan past the modest, boxy houses of their Visitacion Valley neighborhood. As Shannon coasted along, a posse of young men piled into four cars and gave chase, careening after him through the darkened streets. At the intersection of Delta Street and Visitacion Avenue, the hunted 18-year-old plowed up on the sidewalk, crashed into a chain-link fence, and fled on foot. He ran a couple of blocks, pounding into the parking lot of Super Fair, a graffiti-covered liquor-and-groceries joint. The mob – about 12 deep – grabbed him as he tried to scale the fence between the store and the house next door.

They pummeled Shannon. Then one of the thugs executed him with shotgun blasts to the shoulder and head.

Police linked Shannon's murder to a raging war between hoodsters from Vis Valley and Hunters Point. Young people – mostly African American – in the two housing project-heavy districts

were waging a bloody battle for control of the drug trade, a battle that had escalated into a string of life-for-life revenge killings.

Homicide cops figured Shannon's execution was a retaliatory hit for the "Cheap Charlie" slayings six months earlier. "Cheap" Charlie Hughes was a player in the Hunters Point drug business who'd been gunned down on his home turf at the intersection of Newcomb Avenue and Mendell Street in a massive firefight. The attack, thought at the time to be the handiwork of gangsters from Sunnydale public housing, also took the life of Roshawn Johnson and sent nine others to the hospital with gunshot wounds. Shannon's killers, the San Francisco Police Department contended, either thought he had a role in the Cheap Charlie shoot-up or simply wanted to take a Sunnydale homeboy out of the game.

In the fall of 1990 two young men were locked up for Shannon's murder and sentenced to 25 years to life in the state penitentiary.

Both men had alibis, and 10 years later both maintain their innocence. There are a lot of reasons to believe them.

The prosecution's case relied almost completely on the shaky, ever changing testimony of a pair of adolescent car thieves. A new eyewitness says the convicted men had no part in the killing. And in a plot twist straight out of Hollywood, another person has confessed to the crime.

Despite a pile of exonerating evidence, the prisoners remain caged. But one of them – a spiritual, soft-spoken man named John J. Tennison – has an unusually passionate, stubborn lawyer on his side. Jeff Adachi, a sharp-dressed idealist known for winning tough cases, has spent 11 long years fighting for Tennison's freedom – and isn't about to give up. This is the story of the lifer and the lawyer who wouldn't quit.

The 12-gauge shotgun that took Shannon's life was never found. Immediately after his death, homicide detectives Napoleon Hendrix and Prentice "Earl" Sanders spent three fruitless days scouring the city for clues. The killers left little meaningful evidence at the murder scene – no fingerprints, no footprints, no blood, no DNA.

Then a 12-year-old Samoan girl named Masina Fauolo called, offering eyewitness information. She said nothing about anybody named Tennison. But after months of talking to the inspectors, Fauolo, a pal of the victim who lived a few blocks from the crime scene in subsidized housing, identified Tennison

as a key player in the murder. "Fat J.J." she said, held Shannon, while a man named Anton Goff blew him away. A few months later Fauolo's friend Pauline Maluina, then 14, chimed in with a corroborating narrative.

Besides Fauolo and Maluina, no one would admit to having seen the killing.

During the autumn of 1989, propelled by the testimony of the two girls, police rounded up Tennison and Goff and hit them with first-degree murder charges.

Enter Adachi, a tough-talking young public defender. Scoping the prosecution's evidence against Tennison, he found a case riddled with inconsistencies. He figured his client would walk. "The girls' stories never made any sense," Adachi says today. "I really thought this case was a winner."

The attorney also found a young man who regarded him with deep suspicion. "I'm sure he had a certain stereotype coming in of public defender," Adachi says. "A lot of it comes from popular media: you always hear that line, 'Why was he convicted? He had a public defender.' Within popular culture in the African American community there's that distrust of anything related to the Hall of Justice."

"It wasn't just [Adachi]; it was the whole predicament," Tennison explains. "I'd never been in that situation – charged with murder."

Meanwhile, deputy district attorney George Butterworth was building an indictment of Tennison on the words of Fauolo and Maluina. As he did, their stories mutated.

Fauolo's account of the August 1989 murder, laid out in trial transcripts, went like this: She'd taken the bus from Sunnydale to the corner of 24th and Mission Streets, where she picked up a stolen two-door gray car from her cousin. Fauolo and Maluina took off, cruising through the Financial District, down Mission Street, and north to Fisherman's Wharf, before heading back to Vis Valley. The kids parked in the lovers lane up above McLaren Park, smoking cigarettes and looking down on the city.

Four cars, full of people Fauolo referred to as "HP [Hunters Point] niggers" – Tennison among them, she said – slid into the lane. After 10 to 15 minutes a green car drove by, speeding along Visitacion Avenue. It was Shannon in his mother's car, a vehicle usually driven by his cousin, Patrick Barnett. "There go that nigger Pat!" one of the young men shouted. "He going to pay the price now."

The Hunters Point posse jumped in their cars and tore off after Shannon, apparently thinking they were pursuing Barnett, a suspect in the slaying of Cheap Charlie.

Fauolo and Maluina peeled out, tailing the chase. When Shannon crashed, Fauolo ditched her car by Visitacion Valley Middle School and followed her friend on foot. From the corner of the Super Fair blacktop, standing beneath a Marlboro sign, she watched as the pack, laughing, beat her friend. Goff, whom Fauolo had never seen before, emerged from the crowd, yanked a "long gun" from the trunk of a car, and boasted, "I'm going to blow this motherfucker out!"

"Don't shoot him!" Fauolo screamed. "Don't shoot him."

"Shut the fuck up," Goff yelled.

Then, according to Fauolo, Tennison held the victim like a sacrificial offering while Goff popped off four or five shots. As the mob slowly slipped away, Fauolo ran to Shannon's aid. He was lying face up on the asphalt. "Go get Pat," he croaked. "Go get Pat." Wearing a T-shirt memorializing a Sunnydale homeboy who'd been murdered a few months earlier, Shannon died.

When Fauolo first contacted the homicide unit on Aug. 22, she made no mention of J.J. Tennison. Throughout the two-and-a-half-hour call with detective Hendrix, the girl said she'd watched the crime go down, but she couldn't – or wouldn't – ID any of the participants.

Only after months of talking to the inspectors on a near daily basis would the girl pin the murder on Tennison and Goff.

Yet at the time of the killing, Fauolo knew exactly who Tennison was. He lived on the same Hunters Point street as her cousins. She saw him nearly every Sunday when she visited her relatives. She knew what kind of car Tennison drove. She knew his name.

So why did the girl wait so long to cough up that name, Adachi wondered. "You wanted to bring the people who were responsible for Cooly's death to justice.... And still you never mentioned J.J.'s name during this [initial] conversation?" he asked Fauolo.

"Because I – I didn't – I wasn't ready to talk to him about anything," Fauolo responded.

Adachi wasn't buying it. "We thought that the cops had either convinced or at least influenced the girls to identify Goff and

Tennison," he says.

During that first phone call the girl was, however, ready to describe the vehicles that chased down Shannon. One of them, she said, was a yellow-and-white Buick Skylark. The description set off bells for Hendrix and Sanders. Tennison, a known gangbanger who'd been popped a couple of times for selling weed, owned a car matching that description. They poked around for him.

"I heard from a few people the rumor that the homicide detectives were looking for me," Tennison recounted in a recent *Bay Guardian* interview. He stopped by the central cop shop at 850 Bryant. "I asked them what was going on. They basically said, 'Your car and you were involved in a homicide.' I basically told 'em we can cut this interview short, that my car was in the impound already."

Towing-company records proved Tennison's impounded car wasn't at the scene of the crime, and he was set free.

Still, on Oct. 31, 1989, after repeated in-depth conversations with the police, Fauolo picked out Tennison from a photo lineup. Now, however, she offered new information. Straining the bounds of credibility, Fauolo insisted that Tennison owned two nearly identical, yellow-and-white Buicks: one with a white vinyl top, the other with a white-painted metal roof.

Prosecutor Butterworth never produced any evidence that this second car truly existed. While the SFPD keeps a photo registry of the vehicles of suspected gangsters, it had no snapshots of this mystery car – let alone the actual auto.

At the trial, medical examiner Boyd Stephens told the court that Shannon's body bore no bruises: the boy hadn't been beaten with anything but fists. Though Fauolo had sworn in pretrial depositions that the victim had been attacked with bats and sticks, she now said that she hadn't seen the mob actually striking Shannon with the weapons.

Other aspects of Fauolo's testimony are troubling. For one thing, she was standing more than 100 feet away from the crime, on a moonless night. Could she really make out the assassins?

Her recollection of the car chase never jibed with that of another witness who took in the pursuit – though not the actual shooting – from his Cora Street window. Shannon and his assailants, this witness said, had been driving in reverse at high speed for at least part of the chase. The victim backed his car into the ballpark fence at high speed, pursued by a black pickup truck

"doing about 35 miles an hour backwards."

Fauolo, who supposedly had a front-row seat to the incident, never mentioned anything about the vehicles reversing rapidly.

Maluina's testimony – also documented in court records – was even more suspect. In November 1989 the girl was called into her school principal's office. Hendrix had some questions for her. Yes, Maluina told the detective, she'd seen Shannon get "mobbed" and killed. How had she happened onto the crime scene? She'd been "walking around." In Maluina's version of the night's events, there was no stolen car.

When Hendrix presented the girl with an array of mug shots, Maluina picked out Tennison but failed to ID Goff as the triggerman. She also selected a third man as a possible perpetrator but later retracted that accusation.

Four months later, at a preliminary court hearing, Maluina wasn't sure Tennison had been among the mob. "I'm not sure," she said when asked if the boy was one of the killers.

"And that's your honest answer?" Adachi asked.

"Yes," the girl replied.

Goff wasn't there, Maluina told the court at another early pretrial hearing.

In April 1989 Maluina recanted her testimony completely.

She now told Hendrix and prosecutor Butterworth that she *hadn't* seen the crime. In fact, she said, she'd fabricated her whole story at the urging of Fauolo. "I wasn't there when the incident happened," Maluina told Butterworth. The other girl, Maluina said, had filled her in on the details of the crime, instructing her to single out the "biggest guy" in the mug shot lineup. (Tennison at that point carried about 200 pounds on his roughly five-foot-nine frame.) "The only reason I picked out J.J.'s picture is because Masina told me to," she pleaded.

His case crumbling rapidly, Hendrix phoned Fauolo – who had moved to Samoa – and put Maluina on the line. By the time the two friends were finished talking, the girl's story had morphed once again: Actually, she *was* there, Maluina informed the men.

When the jury heard the case in October 1990, Maluina was steadfast: she'd seen the crime and could pinpoint Goff as the gunman and Tennison as an accomplice. Fear had driven her

testimony through its chameleonic changes, she told the court. She hadn't wanted to be busted for the stolen car, so she'd left it out of her story. She'd recanted her testimony and denied witnessing the crime because she'd feared violent retribution.

Like Tennison's supposed second car, Fauolo and Maluina's boosted sedan was never found; either police had failed to track down the hot car, or perhaps it never existed.

The jury, which took three days to arrive at a guilty verdict, believed Maluina and Fauolo.

I pass through many locked steel doors to reach the home of J.J. Tennison.

At the gates of Mule Creek State Prison, two and a half hours northeast of San Francisco in Amador County, I empty my pockets and stand in my socks. A female prison guard, a middle-aged white woman with a gravity-defying shock of bottle blond hair, scopes the insides of my shoes for contraband. "Bleep-bleep-bleep," shrieks the metal detector as a Latino mom, grade-school kids in tow, passes through. It's her underwire bra. The guards have her take it off.

I walk through the metal detector without incident. Ahead of me a 12-foot-tall chain-link door slides open. The moment I step through, it shuts behind me, locking me inside of a claustrophobic six-by-eight-foot cage equipped with two security cameras. The cage door pops open, and I walk out into a small courtyard hemmed in by razor wire. I stride across a heat-scorched lawn into another squat cinder-block building.

Here a stoic correctional officer in a green jumpsuit checks me over before unbolting the thick door to the cafeteria-like visiting room.

Tennison, a bulky black man with a freshly shaved head and a bright smile that seems out of place in this drab universe, greets me warmly. He speaks quietly but forcefully, as if this rare face-to-face encounter with the outside world could end at any moment, a soft drawl rounding off the edges of his words. Now 29, he is hefty but not overweight, childhood fat shed for muscle, his complexion coffee-colored, eyes penetrating.

I've journeyed here with Adachi, and a palpable tension hangs in the air when the lawyer relates recent developments in the case. The two men lock eyes; sweat beads on Tennison's tall forehead. Adachi has little good news. "I know it doesn't seem like we're doing shit, 'cause you're still in here," he says.

The prisoner responds in a near whisper: "It just gets harder and harder every day."

The youngest of four boys, Tennison grew up "on the hill," as they say in Hunters Point, on Northridge Street, splitting time between his divorced parents, Dolly Tennison, a shoe salesperson, and John Tennison Sr., a sheet-metal worker at the shipyard. The tough, largely African American neighborhood in southeastern San Francisco comprised his entire childhood world.

At Sir Francis Drake elementary, Tennison recalls, "I was pretty much like any other kid going there: did the work, didn't like it, played sports." Physically chunky from an early age, Tennison loved athletics – "any kind of sports" – but football was his game; that is, when he could keep out of trouble. In his teenage years, between two stints in San Francisco's youth lockups for selling weed, he played linebacker for the MacAteer High School football squad. Tennison the ghetto entrepreneur cliqued up with the Harbor Road "set," a loose-knit band of teen and twentysomething males who claimed the area around that street's subsidized apartments as their exclusive drug-slanging fiefdom.

Some days Tennison figures his decade in prison has been a blessing: it beats being dead, and many of his old running mates are six feet under – a half dozen Harbor Road heads were slain in 2000 alone.

To former friends dwelling "on the outs," he is forgotten: over his 10 years of incarceration their stream of letters has dwindled, their visits have tapered off entirely. Like most lifers, Tennison has gradually become a ghost, a specter of the man his preprison companions once knew.

He doesn't keep in touch with Goff; he says he scarcely even knew him before they were arrested.

Survival, family, and faith define the con's existence. Survival in Mule Creek – host to a preponderance of lifers – means keeping your mouth shut and your head down; avoiding the vagaries of "prison politics" by staying in the good graces of the turnkeys and off the shit lists of other inmates; maintaining your sanity in the face of unending repetition. Tennison does not indulge this journalist's urge to gather stomach-turning details about penitentiary life; he will only hint at the horrors that transpire behind the walls. "Some thangs you just mentally try to block out. I've seen a guy get shot. I've seen guys get stabbed. It's a violent place. One minute it's nice ... the next minute somebody's being carried away on a stretcher."

In another 14 years Tennison will be a candidate for parole – in theory, at least. The state, from Gov. Gray Davis on down, is allergic to paroling convicted killers, even those legally eligible for early release. And unless that changes, he will never escape the grip of the California Department of Corrections.

What happens to the person buried – along with some of the ugliest, most brutal people on earth – under an avalanche of concrete and steel, alive with only the faintest prospect of rescue?

The weight of long-term incarceration is famous for creating stony-faced sociopaths, but Tennison seems a flat-emotioned husk of a man who – simply, quietly – endures. If truly innocent, he is living out the mother of all nightmares. Yet when I speak to him, I see only the tiniest hints of rage: no fury at the hand fate has dealt him, no profanities for the cops and prosecutors who put him here, no ill will toward the girls who testified against him. He gripes little about his locked-down environs and must be pressed to complain about the conditions of his confinement. "I live very well compared to a lot of other less fortunate people," he tells me without the slightest touch of irony.

Home is a six-by-eight-foot cell he shares with another man. Amenities include a 13-inch TV, a CD player, and a Walkman. Work is an 18¢-an-hour job in the prison print shop. Recreation is shooting hoops in the exercise yard after work. Nighttime is reserved for prayer. The joys in the inmate's life are meager: a familiar song on the radio, warm sunlight pouring through his cell window on a chilly day, a phone call to kin.

Family consists largely of mother Dolly and older brother Bruce. John Tennison Sr. died of cancer in 1993; brother Julius doesn't keep in close contact; brother Mike was shot in the back and killed a few years back. "I lost my brother, I lost my father, I lost my grandfather since I've been in prison. Your [cell] door opens, and you know it's not time for it to open. You know immediately something's not right. All three times it's been like that. I pray and pray and pray that nothing happens to my mother while I'm gone." From his neck hangs a gold cross, jewelry that once belonged to Mike.

Four or five times a week Tennison's mind flashes back to the moment he heard the guilty verdict. "I was in total shock, disbelief," he recounts softly. "My whole body went numb. I couldn't hear for maybe 30 seconds. Couldn't speak for maybe another 30 seconds. Out-of-body experience – I just couldn't believe it."

"As long as it's been, I can remember that day right now as we

speak. At times when I'm just sitting back thinking to myself, I remember just hearing 'guilty.' And sometimes I think, what if it was the other way around?"

Every single day of the past decade has "basically been the same. Each step ain't getting no easier. It's basically the same routine. First thang when I wake: damn I'm still here. I put it in my mind how I'm gonna deal with this day without interrupting anybody's program, keep anybody from interrupting my program. Physically it's the same thang. But mentally it's getting tougher and tougher."

Like most of this town's city-paid defense lawyers, Adachi, a Sacramento native, doesn't conform to the popular, television-inspired conception of a public defender. He doesn't show up for court in rumpled, coffee-stained suits; isn't perpetually outgunned by sharp-witted prosecutors; hasn't been ground down to a state of indifference.

The son of an auto mechanic and a medical lab technician, Adachi is a true nonbeliever, questioning whether a person of color can ever find justice in an American courtroom.

A handsome, slickly dressed man with greased-back hair and a sleek sable Mercedes, he possesses a genius for ripping apart prosecution testimony. Watching him at work – he's a pit bull in the courtroom – I get the sense that there is nothing in the world Adachi likes more than practicing law.

These days he takes only the toughest cases. He recently represented Lam Choi, the man indicted for offing a Tenderloin mob boss in 1996 in a high-profile, Mafia-style rubout. He is the lawyer for Jehad Baqleh, the cabbie accused of raping and killing 24-year-old Julie Day. If a murder hits the front pages, chances are Adachi will work it, and much of the time his clients go free. Second in command in the office, he has already filed papers to run for the top slot when current chief Jeff Brown steps down in 2002, and many of his colleagues think he's a natural choice for the job.

But back in 1989, Adachi was a relative newjack, with just three years under his belt as a city-paid defender. The Tennison-Goff trial was the first murder case he worked from start to finish.

Believing the prosecution had a flimsy case, the young attorney didn't mount a major-league, call-up-every-witness-you-can-find defense. "That's the only thing I regret: not putting on more of a case. We really didn't think it was necessary because what the girls said made no sense. It was chock-full of contradictions."

Goff's trial attorney, Barry Melton agrees. "We never really believed they had enough of a case to convict these kids," recounts Melton, now top public defender in Yolo County. "After all, they were trying to hang these guys on the words of a 14-year-old car thief."

Both defendants had alibis, but both lawyers were loath to put the exonerating figures – black adolescent thugsters – on the stand, knowing they'd play badly to the jury. Tennison, for his part, contended that during the time in question he'd been picking up friends from the Broadmoor bowling alley. Adachi was scared to even admit to the jury that his client had left the house on the night of the killing.

"If they didn't think these two kids were in a gang, when they saw all the alibi kids, they definitely would've," Melton explains. "It's been my experience that half the time people can't remember what they were doing."

The jury ruling struck the legal team like an industrial-strength electrical shock. "Oh ... my ... God," Melton gasped as the verdict was announced; Adachi was speechless as his client wept openly.

Already tenuous, the bond between Adachi and Tennison crumbled. "I wanted to take the stand," Tennison remembers. "I figured all [the prosecution] could do was say that I was a drug dealer. I felt that I should've testified on my own behalf and my witnesses should've testified for me. It would've eased the pain for me a little.

"After the trial we kind of pointed the finger at each other. When it was all said and done, I felt he didn't give it his all. I figured I didn't get off, so he didn't do his job."

Adachi, too, felt let down. "I was angry at him because I thought he didn't help me. I thought he didn't trust me because I was a public defender. I could've found out more about the case had I had more access to the community. If this had occurred in the Japanese community that I've been a part of for years, I could've gotten down there and found out everything I needed to know. I did all the regular investigation, talked to all the witnesses, talked to his family, all that. But there needed to be an extraordinary effort, not only to solve a murder but to untangle a web of deceit which had been woven by these two girls."

Sitting in his Seventh Street office, Adachi holds his fingers a millimeter apart: "We had this much trust after the trial."

Every defense lawyer has watched – sick in the gut – as a client he or she believes to be inculpable is sent to the pen. These are the trials that haunt; Tennison, his face shrouded in darkness, starred in Adachi's nightmares for many years after the decision.

"The reason he wasn't acquitted was because the jury was holding the defense to too high a standard," contends Adachi, who argues that the town's then-raging gang war "had the effect of really shifting the burden of proof. If I were to analyze it now, in a gang case where somebody's dead, you've got to prove innocence" – rather than simply raising a reasonable doubt.

When a client is found guilty, the public defender nearly always washes his or her hands of the matter, leaving appeals to state-paid lawyers or private counsel. After all, there's a steady stream of new clients and no funding for lost causes, which is what most appeals are. Adachi conferred with gumshoe Bob Stemi, the investigator who'd helped him craft Tennison's failed defense. Both men were devastated. They decided to start over, to excavate fresh evidence and reconstruct the case as if they were headed back to trial.

Adachi began reaching out to Tennison, hoping to resurrect some sense of trust.

A month after the verdict came down, S.F. police officers Michael Lewis and Nevil Gittens picked up a man named Lovinsky "Lovinsta" Ricard Jr. on a routine drug warrant. Ricard had a surprise for them: it was he – not Goff and Tennison – who shot Shannon to death, he informed the cops.

According to police transcripts of that confession, Ricard had been cruising around with a bunch of friends in a convoy of three cars and a black pickup truck, looking to leave somebody from Sunnydale bleeding. The posse stopped to loiter in the parking lot of the 7-11 at Third and Newcomb Streets – just a few blocks from the spot where Shannon was killed. Ricard sat in the pickup swilling Old English malt liquor.

Shannon drove by, and Ricard and company lit out after him. When they got to the Visitacion Avenue ball field, Ricard told the cops, Shannon "ran up on the curb, and at the fence he jumped out. Then we started chasing him. I remember I got off the truck and ... some people, they had already cornered him, OK.... And they, over there, they were beatin' him up. They was beatin' him up."

Ricard pulled a 12-gauge from the truck and gunned down Shannon, "because we knew he was from Sunnydale."

"Were any of two individuals, Antoine [sic] Goff or John Tinneson [sic], do you recall whether they were with you on the night this thing occurred?" one of the officers queried.

"No, they were not," Ricard responded.

There were some flaws in the story. He was fuzzy on some details, like how many shells he'd put in the shotgun and what brand the gun was. He wouldn't name any eyewitnesses to back up his claim. And he couldn't provide the murder weapon.

Ricard's confession was the kind of thing that happens all the time in the movies and almost never in real life — and despite the limits of his story, Adachi assumed Tennison and Goff could start planning their homecoming parties.

The confession turned out to be a bombshell ... that never exploded. Judge Thomas Dandurand shot down a request for a fresh trial. Deeming Ricard's confession unreliable, the police set him free. Legal documents indicate that Ricard now lives in St. Paul, Minn. (Our attempts to reach him through the mail and by phone were unsuccessful.)

On July 2, 1992, nearly three years after the murder, investigator Stemi convinced a witness to step forward. This person, whom we'll refer to as Witness X for obvious security reasons, gave police, prosecutors, and the defense a detailed rundown of the slaying and the events that preceded it. The new account — which was taped and transcribed — corroborated Ricard's confession and included the names of four alleged accomplices to the crime. Ricard was indeed the gunman, Witness X asserted. Tennison and Goff had no part in the crime.

Now, Adachi figured, Tennison and Goff would finally walk. Wrong again. Arlo Smith, district attorney at the time, didn't feel the narrative was strong enough to reopen the case.

Stymied, Adachi kept probing and enlisted the help of private attorney Eric Multhaup in navigating the maze of court appeals.

Tennison and Goff "had nothing to do with it," Witness X tells me in a recent interview. "Lovinsta even got up and told that he did it, and that neither J.J. nor [Goff] had anything to do with it. I do know what happened — I was there."

Over the course of a two-hour conversation Witness X offers a convincing recounting of the crime. "Lovinsta went over there while they were beating him up," shot Shannon, and "came back with his shirt and everything all bloody and said it felt good.

"Lovinsta asked us never to say nothing; everybody was to be quiet," the informer tells me. Adachi hired an ex-FBI agent to run a polygraph test on X; according to the machine, the witness is telling the truth.

Witness X claims – as police had theorized – that Shannon was killed to avenge the deaths of Cheap Charlie Hughes and Roshawn Johnson. "It was just anybody at random, whoever it is from Sunnydale, you're gonna die. Unfortunately, Roderick was right there, and he happened to be from Sunnydale."

Anton (pronounced "Antoine") Goff is among the 5,800 humans stuffed into the Corrections Department's Solano County facility, a strip-mall McPrison built for just 2,100 inmates. It's luxurious compared with his old digs: Goff spent his first five years on 22-hour-a-day lockdown at the infamous Pelican Bay state pen.

The detectives pegged Goff as a man with a clear motive to murder: he'd been wounded – allegedly by a Sunnydale head – in the Cheap Charlie shooting.

But Goff, now 31, claims he was hanging out with "four or five" buddies on the night of Aug. 29 and never even left Hunters Point. "All of 'em was ready to testify," he says.

Ricard "was a friend we knew growing up in the neighborhood. He wasn't nobody I hung around with all the time," Goff relates, saying he's positive of the man's guilt. "He told me everything what happened. He told me personally before I was arrested."

Tennison was a friend, but not a close comrade, Goff says.

He works out three, four hours a day, playing basketball, sometimes handball. There are no weights in the exercise yard, so Goff builds muscle by lifting other inmates. He studies business, planning for a career that may never come. "You have to be tough to get through the situation, 'cause it's not easy up in here. You have to have your mind right, or you'll go crazy."

Constantly, he asks himself, "Why am I here? Why am I being punished?"

Inspectors Hendrix and Sanders spent better than two decades trying to staunch the city's bleeding. Both African American, the men staffed the homicide unit throughout San Francisco's goriest years – the crack-fueled murder binge that ran from 1985 to 1993 – digging into some 500 slayings and solving 85 percent of them. As a team they were the kind of hard-boiled, damn near inescapable cops dreamed up by TV scriptwriters.

These days, 63-year-old Sanders, now assistant chief, seems more grandpa than hard-ass. His mind, however, is anything but soft: talking about Shannon's execution, he effortlessly calls up minute details from the decade-old incident.

Sanders is indignant at Adachi's allegation that he and Hendrix might have somehow shaped the statements of Maluina and Fauolo. "That is absolutely untrue. It's speculation on his part," the veteran officer tells me. "At no time in my career did I intentionally or unintentionally influence a witness."

Maluina and Fauolo, the ex-detective insists, "had no axe to grind. They were reluctant to come forward because they had families in the community," but through many hours of dialogue the cops convinced the girls to take the stand.

"Eyewitnesses all the time have inconsistencies," he says. "And those inconsistencies were pointed out by the defense counsel, very thoroughly. But those inconsistencies were not enough to shake the judgment of the jury as to the guilt of the two young men."

Maluina's flip-flop signified an instinct to protect herself, not dishonesty, Sanders argues. "She was afraid. Witnesses get killed. She was frightened, and rightfully so."

For Sanders the testimony simply made sense – agreeing with the few clues discovered at the scene. He remains adamant about the girls' integrity.

I ask about Tennison's supposed second car, the one that never materialized. Irrelevant, according to Sanders. "I looked at the evidence carefully. We didn't investigate this overnight. As far as I'm concerned, we laid out the evidence, gave it to the prosecution, which presented it to the jury – and the jury agreed that these two young men were guilty."

So why would Ricard cop to an assassination he didn't do? Would an innocent guy really volunteer for a permanent stay in the joint? "I have no idea what his motivation would be – except for pressure from some of his gang members. I don't doubt that he may have been there, but the information he gave doesn't fit the scenario.

"I initially thought [the confession] was just to confuse the issue, because he did not have the details of what happened. We know exactly the route of the chase. We know what corners – we know where the car was crashed. He didn't know all that. I don't know why he came forward. I have no idea."

Tennison and Goff deserve the purgatory they now dwell in, the cop assures me.

(Hendrix, who retired in 1999 after 34 years on the force, declined to be interviewed for this story.)

Silence governs the urban underworld. Rule one is: you do not snitch. Rule two: Breaking rule one is a transgression punishable by death. Case in point: two witnesses in San Francisco murder cases were slain just in the last two months.

Witness X named three other supposed witnesses, and Adachi's archaeology has focused on unearthing these characters. Scouring credit data, Department of Motor Vehicles info, court records, and prison rolls, Adachi, along with investigator Stemi, hunted up two of these people, only to run head-on into the code of the streets. Bringing along a tape of Ricard's confession, Adachi and Stemi paid a visit to one of the alleged witnesses, a convicted dope dealer doing time in the San Quentin state pen. See, they said, your buddy turned himself in; he's trying to take responsibility for his actions. No dice, the man replied. I don't got shit to say to you.

Contacting another alleged witness (this one a small-time rapper) via a trusted intermediary, they again came up empty. It didn't matter that Ricard had already incriminated himself: nobody wanted to talk. Besides, Shannon had been besieged by a *mob*, and flapping lips could conceivably lead to more arrests. There is no statute of limitations on murder.

"All of them are scared that they'll go to jail," Witness X figures.

Since the trial, Maluina and Fauolo have made themselves scarce – both have moved in and out of San Francisco on several occasions – eluding attempts by Adachi and Stemi to reach them. (*The Bay Guardian* was unable to contact either woman.)

Despite all of the dead ends, Adachi and Tennison have, if anything, grown closer, writing letters and speaking on the phone every couple of weeks.

Adachi keeps the Tennison-Goff trial transcripts next to his paper-covered desk. His notes on the case are jammed into a dozen overstuffed binders lining an office bookshelf. The trial exhibits are stacked in a corner. He and Stemi still discuss the case two or three times a week.

Adachi is amazed at Tennison's resilience. "I've seen him mature into a very spiritual man. For him to be as strong as he's

been – that's what hits home to me now. How could he stand up to that?"

"I not only think of him as my attorney," Tennison says, "but I consider him a good friend who's giving his all to get me out. I think of him as a damn good friend."

Adachi tells me he "will never, ever give up" on his client. "I don't care what it takes. I could be 80 years old. I'll never give up."

It's a commitment that has won him praise from his peers. "You're not going to find too many lawyers with the heart Jeff Adachi has," ventures Scott Kauffman, a private defense lawyer who specializes in gang cases and death penalty appeals. "I definitely think he's doing it for J.J., but at another level it's personal. This case has caused him a lot of pain. I've seen him talk about the case – he's almost in tears."

Goff's attorney, Melton, lauds his former cocounsel: "He's been steadfast. Given the information about the case, you have to remain committed."

But what if Adachi's instincts are wrong, and Tennison *did* murder Shannon? If so, Adachi has wasted 11 years attempting to unchain an assassin.

To keep from obsessing over her son's fate, Dolly Tennison works herself to exhaustion. Mornings, she clerks at a department store; nights, till 4 a.m., she attends to an ailing 83-year-old woman. Seven years back Dolly fled to a small, solitary apartment on the peninsula. Hunters Point was tainted with "too many damn memories."

Dignified, her clothes and medium-length hair immaculate, Dolly looks like she's working very hard to keep her chin up, to keep darkness from closing in. Given the age of her children, she must be approaching senior citizen-hood, but she looks trim and healthy.

"It hurt like hell for them to say 25 to life for my child," she tells me, her words rushing out all at once, only to trail off just as quickly. Portraits blanket the walls of her home: chubby Buddha babies; a granddaughter in prep-school togs; son Bruce on his wedding day; J.J. in prison blues; murdered son Mike looking hard.

Dolly beckons me to take in the snapshots from her vantage point on the couch. "I think I've been glued to this spot since Mike died. I can sit here and see all my family. I'll sit here all day long waiting for [J.J.] to call as long as I can hear his voice," she

tells me, pointing to the photo of her dead son, " 'cause there's one over there I can't touch."

Like the parent of a long-disappeared child, she holds out an almost irrational hope that her son will one day emerge from exile. "My best day is when I go visit my kid. It's hard knowing my child may not be coming home soon, but he's gon' come home." Dolly is her son's rock; prayer, she tells me, is her anchor.

Slowly shaking his head, 34-year-old Bruce, a San Francisco parking lot attendant, raises his voice. "I understand that it's been 10 years outta his life, but it's been 10 years outta my life, too, 10 years outta my momma's life. Gone. Can never get back." Enraged, he blames the legal system for his brother's lot.

Bruce daydreams about the day his younger sibling is liberated: "He'd just call me and tell me what he'd wanna ride home in. Budget'll rent anything – a limo, an R.V., whatever. I want just to ride and talk with him – free. No doors closing behind us. The wind blowing on our little bald heads. Seeing the sun rise and the sun set."

On a mid-November morning, the 9th U.S. Circuit Court of Appeals, the highest-ranking federal court in the western United States, will hear Tennison's plea. The judiciary hasn't smiled on Tennison's appeals: four courts have vetoed his bid for a new trial. The last rejection – by a federal district judge – came in March, leaving Adachi "gutted" and Tennison dejected.

The 9th Circuit's Mission Street courtrooms are housed in a stately \$91 million granite edifice – the interior all marble and polished wood. Inside courtroom three, a pristine chamber worthy of a Tennessee Williams drama, hangs a tile mosaic depicting a freed slave, shackles snapped, approaching a white Lady Justice on bended knee. Beneath the image, on a walnut pew, sit Dolly and Bruce Tennison.

Dolly, dressed for business in a black pantsuit, clutches a form letter from the court: Adachi's ally, attorney Multhaup, will have 10 minutes to argue before the bench. Bruce throws an arm around his mother's shoulders. Eleven years in prison, and J.J. Tennison's fate – whether he will spend the rest of his days behind bars – rests on a 10-minute conversation and a legal brief. Multhaup's argument today is simple: the lower federal court has abandoned its constitutional duty by refusing to review new evidence in the case.

"We have a claim here that the petitioner is presenting new evidence of factual innocence," Multhaup tells the panel

somewhat nervously.

"But the state courts reviewed this evidence," one judge replies.

"We had a preemptive strike by the [federal] District Court. The [S.F.] Superior Court that dismissed the case was in no way reasonable, in my opinion. And how many times does this happen in the criminal justice system? We have a person who's come forward and confessed to the crime."

The judges launch a fusillade of questions at Multhaup, at one point rattling him a bit. In 10 minutes the hearing is history.

Outside the courtroom the Tennisons, solemn faced, huddle with Multhaup. The attorney plays the optimist, while Diana Samuelson, the lawyer handling Goff's appeals, is less sanguine, telling me she thinks the circuit will kill the petition.

Prosecutor Butterworth would not speak to the *Bay Guardian* for this piece. He did, however, fax a one-page rebuttal to Tennison's charges, which reads in part: "This matter has been reviewed several times by the office of the District Attorney and the San Francisco Police Department based upon the allegations raised [in Tennison's ongoing appeal]. Nothing has been presented to date that would justify 're-opening' the investigation."

Grilling Tennison, I look for cracks in his story, telling slipups that might point to his guilt. His account of the night in question – that he was sleeping at a friend's house, then picking up pals from the bowling alley – corresponds to what he told detectives 11 years ago as they ran the good cop-bad cop routine.

Why would Fauolo and Maluina lie and put away an innocent man, I ask.

"Over the years I've asked myself the same question and still haven't come up with an answer," he tells me. But "right out the gate it was no doubt in my mind that the homicide inspectors, the D.A., or somebody put 'em up to this, because I knew they were pointing out the wrong person. As for [Goff], at the time I wasn't sure, but I was definitely sure that they had the wrong person when they pointed out me."

"I've said it from day one: I'm not a murderer. I was a drug dealer at the time. It wasn't nothing to be proud of, or ashamed of. I was locked up for it twice. I did my time."

"In a time when you want people to believe in the justice system and that the system works, I'm a perfect example that the

system is screwed up – from the top to the bottom. And as of right now I can't see it no other way. Everything is in black and white."

Tennison is relaxed, coming off like a man who can't be bothered to front, as I put him on trial all over again. Maybe he's guilty as hell; maybe he snuffed out Shannon's young life. But if so, his body language and speech patterns offer no subtle indications of that. When Tennison was picked up by the SFPD, Hendrix and Sanders interrogated him for hours, without a lawyer, and his explanation of the crucial hours never wavered. I wonder if something in his 17-year-old demeanor spelled out "executioner" to the homicide detectives.

I put the question to Sanders. "I worked over 500 murder cases," the veteran lawman responds. "I've talked to a lot of killers in my day, and if I had any indication that he was innocent, I would've let him go."

Uncomfortable playing Solomon, I run Tennison's story by an old ex-con who spent 25 years in some of the state's most notorious lockups. "Every guy inside will tell you he's innocent," I tell him. "And every bleeding-heart journo wants to believe him."

"Yeah, but you know, after 10 years or so inside, it becomes really hard to lie," the former prisoner responds. "You just get so tired, so worn down, it's impossible to keep up a lie."

Never mind the fact that Tennison passed a polygraph test.

The 9th Circuit's ruling arrives in Adachi's mailbox Dec. 15. He reads through the five-page decision with his heart in his throat. The key information comes in the last two paragraphs: "Tennison's conviction appears to rest largely on the testimony [of two little girls]. Tennison's new evidence, taken together, calls into question the reliability of these eyewitness identifications."

And then, two sentences later: victory. The judges are overturning the ruling of the lower court, instructing federal judge Claudia Wilken to mount a "thorough review" of Tennison's situation.

It doesn't mean the inmate is going home tomorrow, nor even that he'll necessarily get a new trial, but the decision does require Wilken to examine the sworn statements of Ricard and Witness X and to determine whether a retrial should be ordered.

Adachi is elated. Dolly Tennison seems relieved, as if she can finally start breathing again. Bruce Tennison feels like

"Christmas came early."

An upbeat John J. Tennison phones me. "I finally had three judges look over the case and see what should've been saw a long time ago."

Grinning today, the prisoner has already begun steeling himself for rejection at the next round. "I play a lot of basketball to take my mind off it. The [courts] are playing God. My life is in other people's hands, and there's nothing I can physically do. Nothing."

This story is the result of six months of research involving dozens of interviews and more than 1,000 pages of documents, including police records, trial transcripts, and legal briefs. Michael Disend provided research assistance.

PHOTOS: RORY McNAMARA, FRED VERHOEVEN and courtesy DOLLY TENNISON

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